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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,601	10/19/2000	Yoshio Miyazaki	7217/62903	7919

7590 09/20/2005

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EXAMINER

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,601

Applicant(s)

MIYAZAKI, YOSHIO

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 7/8/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/19/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kori et al. (U.S. Patent 6,836,844) in view of Tanaka et al. (U.S. Patent 6,618,335).

Kori teaches a recording apparatus very similar to that of the present invention. For example, Kori teaches the following:

(a) as in claim 1, reproduction means 21 to reproduce digital data from a recording medium 100 recorded with the digital data and with retrieval information (Figs. 4 and 5; column 7, lines 4-15; retrieval information is the copy control information);

(b) as in claim 1, recording means 43 for writing the digital data reproduced by the reproduction means 21 and the retrieval information (copy control information) on a control table in an internal memory 41 and 200 of the apparatus (Fig. 6; digital data such as retrieval information is recorded internally in memory device 41 and 200; column 8, lines 52-57);

(c) as in claim 1, a control circuit 40 for searching the control table 41 by using the retrieval information (copy control information) before the digital data from the reproduction means 21 written by the recording means 43 onto the internal memory 41 (Fig. 6; control circuit 40 accesses copy history; column 8, lines 52-57);

(d) as in claim 1, the control circuit 40 permits the writing of the digital data recorded on the recording medium 100 into the internal memory 41, 200 when the retrieval information is not already recorded in the control table (Figs. 4 and 6; recording of information such as content A is permitted when the copy control information is not presented);

(e) as in claim 1, for prohibiting the writing of the digital data recorded on the recording medium 100 into the internal memory 41, 200 when the retrieval information (copy control information) is already recorded on the control table (Fig. 7; recording is not permitted if the copy permitted count is not allowed); and

(f) as in claim 1, the digital data recorded on the recording medium 200 is not recorded twice on the internal memory 41 of the apparatus (Figs. 6 and 7; data duplication is not permitted if the copy permitted count is set to 1).

However, Kori does not teach the following:

(a) as in claim 1, when the writing of digital data is prohibited, the recording means ejecting the recording medium.

Tanaka teaches the following:

(a) when a disc is determined not legitimate, the recording means ejecting the recording medium (Fig. 8; step S7).

A disc inserted in a disc drive requires an automatic ejection means if the drive is under an abnormal operation. For example, Tanaka's disc drive will remove a disc if the disc is determined illegal. Similarly, if a disc is prohibited from copying its contents such as Kori's, it would have been obvious to one of ordinary skill in the art to use the automatic ejection means such as Tanaka's to eject Kori's copy-prohibited disc so that an user cannot view and manipulate any information contained in the disc.

3. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kori et al. (U.S. Patent 6,836,844) in view of Tanaka et al. (U.S. Patent 6,618,335) and further in view of Jones (U.S. Patent 5,581,740).

Kori teaches a recording apparatus very similar to that of the instant invention. For example, Kori in view of Tanaka teach the following:

(a) as in claim 2, a drive device 21 to reproduce digital audio data and retrieval information from a recording medium 100 recorded with the digital audio data (Fig. 5);

(b) as in claim 2, recording means for writing into a disk drive device 200 the digital audio data reproduced from the recording medium 100 by the drive device 21 (Figs. 5 and 6);

(c) as in claim 2, writing into a control table 41 the retrieval information (control information) for the recording medium 100 in the disk drive from among a plurality of recording medium (Figs. 5 and 6);

(d) as in claim 2, a control table 41 containing retrieval information (copy control information) before the recording medium 100 written with the digital audio data in the disk drive device 21 from among a plurality recording mediums (Figs. 5 and 6; copy history information is being read into memory 41);

(e) as in claim 2, a control circuit 40 to search the control table by using the retrieval information (copy control

information) before the digital data from the disk device 21 are written by the recording means 43 onto the disk device 21 (Figs. 1, 5, 6 and 7);

(f) as in claim 2, the control circuit 40 permits the writing of digital audio data recorded on the recording medium 100 with the recording means 43 when the retrieval information is not recorded in the control table (Figs. 4 and 6; recording of information such as content A is permitted when the copy control information is not presented);

(g) as in claim 2, the control circuit 40 prohibits the writing of digital audio data recorded on the recording medium 100 with the recording means 43 when the retrieval information is already recorded on the control table (Fig. 7; recording is not permitted if the copy permitted count is not allowed);

(h) as in claim 2, the digital data recorded on the recording medium 200 is not recorded twice on the internal memory 41 of the apparatus (Figs. 6 and 7; data duplication is not permitted if the copy permitted count is set to 1);

(i) as in claim 4, when writing the digital audio data reproduced from the recording medium 100 onto the disk drive device 21, the control circuit 40 first compresses the digital audio data reproduced from the recording medium 100 and writes the compressed digital audio data onto the disk drive device 43

(Fig. 6; audio file is processed with A/D 33 and then encoded by 34); and

(j) as in claim 5, the control table 41 containing information pairing (relating) the digital audio data with the retrieval information (copy history information and copy control information) for the recording medium 100 written with the digital audio data in the memory 41 (Figs. 4 and 7).

However, Kori does not teach the following:

(a) as in claim 2, the memory 41 and 200 are a hard disk drive; and

(b) as in claim 2, when the writing of digital data is prohibited, the recording means ejecting the recording medium.

Jones teaches the following:

(a) a hard disk drive 24 as a recording medium (Fig. 1).

Tanaka teaches the following:

(a) when a disc is determined not legitimate, the recording means ejecting the recording medium (Fig. 8; step S7).

A hard disk drive recording medium has advantages of large storage capacity and fast data recording speed over a floppy disk or a mini disc (MD). Hence, for editing multimedia files such as downloading/duplicating music files, it would have been obvious to one of ordinary skill in the art to use Jones' hard disk drive as a large buffer means to replace Kori's memory device 41 and

200, because Jones' hard disk drive can store more audio files in high speed than Kori's memory means 41 and 220.

A disc inserted in a disc drive requires an automatic ejection means if the drive is under an abnormal operation. For example, Tanaka's disc drive will remove a disc if the disc is determined illegal. Similarly, if a disc is prohibited from copying its contents such as Kori's, it would have been obvious to one of ordinary skill in the art to use the automatic ejection means such as Tanaka's to eject Kori's copy-prohibited disc so that an user cannot view and manipulate any information contained in the disc.

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kori et al. (U.S. Patent 6,836,844) in view of Tanaka et al. (U.S. Patent 6,618,335) and Jones (U.S. Patent 5,581,740) and further in view of and Takenaka (U.S. Patent 5,943,311).

Kori in view of Tanaka and Jones teaches a recording apparatus very similar to that of the instant invention. For example, Kori in view of Tanaka and Jones teach the following:

(a) as in claim 3, a display means connected to the control circuit (Fig. 6; key input includes a display means);

(b) as in claim 3, the digital audio data is reproduced from the hard disk drive device;

(c) as in claim 4, when writing the digital audio data reproduced from the recording medium 100 onto the disk drive device 21, the control circuit 40 first compresses the digital audio data reproduced from the recording medium 100 and writes the compressed digital audio data onto the disk drive device 43 (Fig. 6; audio file is processed with A/D 33 and then encoded by 34);

(d) as in claim 5, the control table 41 containing information pairing (relating) the digital audio data with the retrieval information (copy history information and copy control information) for the recording medium 100 written with the digital audio data in the memory 41 (Figs. 4 and 7);

(e) as in claim 6, the control table 41 containing information pairing (relating) retrieval information for the recording medium written 100 with digital audio data in a memory 41 with data showing a write position of the digital audio in the memory 41 (Figs. 4 and 7; start and end time are included in the copy control information); and

(f) as in claim 6, the control table 41 has character data (Figs. 4 and 7; copy count number is stored).

However, Kori, Tanaka and Jones do not teach the following:

(a) as in claims 3 and 6, a display means displays information such as writing is prohibited and other text characters.

Takenaka teaches the following:

(a) a display means which displays information indicating that writing is prohibited (Fig. 2; S3, S4 and S5).

During the copying operation of the audio file, copy protection might prohibit the file which is being duplicated. Hence, to inform a user the progress of the copying operation, it would have been obvious to one of ordinary skill in the art to send an error message such as Takenaka's to Kori's recording apparatus, because the displayed information such "copy prohibited" can remind a user the status of the copying operation.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komma et al. (6,567,358) is pertinent because Komma teaches an information recording system having an automatic disc ejection mechanism.

6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kim-kwok CHU
Examiner AU2653
September 12, 2005

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14 9/12/05


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